



advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for jury trial, and the trial is expected to last 2-4 days. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge.

This case may be appropriate for ADR. The parties will revisit the issue after the close of discovery.

The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed.R.Civ.P. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.

*Diane K. Vesco*  
DIANE K. VESCOVO  
UNITED STATES MAGISTRATE JUDGE  
DATE: *December 15, 2005*

Respectfully submitted,

*Gregory W. Minton per telephone authority*  
Mark L. Agee (TN# 9127)  
Gregory W. Minton (TN# 015584)  
AGEE LAW FIRM  
111 W. Eaton St.  
Trenton, TN 38382  
(731) 855-4890  
Attorney for Plaintiff

MCDONALD KUHN

*Lisa A. Overall per authority*  
Henry T. V. Miller (TN# 7640)  
Lisa A. Overall (TN#22969)  
119 S. Main Street, Suite 400  
Memphis, TN 38103  
(901) 526-0606  
Attorneys for Defendant Cleveland Construction, Inc.

*James D. Ludwig*  
James D. Ludwig (OH#0065234)  
Cleveland Construction, Inc.  
5390 Courseview Drive  
Mason, Ohio 45040  
(513) 398-8900  
Attorney for Defendant Cleveland Construction, Inc.



## Notice of Distribution

This notice confirms a copy of the document docketed as number 7 in case 2:05-CV-02199 was distributed by fax, mail, or direct printing on December 16, 2005 to the parties listed.

---

Lisa Ann Overall  
MCDONALD KUHN  
119 South Main St.  
Ste. 400  
Memphis, TN 38103

Henry T.V. Miller  
MCDONALD KUHN  
119 South Main St.  
Ste. 400  
Memphis, TN 38103

James D. Ludwig  
LAW OFFICE OF JAMES D. LUDWIG  
5396 Courseview Dr.  
Mason, OH 45040

Mark L. Agee  
AGEE LAW FIRM  
111 W. Eaton St.  
Trenton, TN 38382

Honorable Jon McCalla  
US DISTRICT COURT